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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/781,532	02/08/2001	Fernando De Oliveira	1000-0213	2691

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EXAMINER

CONTEE, JOY KIMBERLY

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 02/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/781,532

Applicant(s)

DE OLIVERIA

Examiner

Joy K Contee

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,8-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed November 25, 2003 have been fully considered but they are not persuasive.

Please note that Examiner Joy Contee has taken over the docket for this instant application; however, Examiner has maintained the rejection under 35 USC 102 found by the previous examiner. Examiner acknowledges apparent typographical error in previous rejection under 35 USC 102(b). The reference to 35 USC 102 has been corrected herein as a rejections under 35 USC 102(e). This correction does not change the depth of the rejection against the claims 1-5 and 8-12.

Applicant argues that Lamb et al. does not anticipate providing a particular service or the determination of each particular cell's capability to provide a requested service. Examiner disagrees. In column 2, in addition to teaching that different MSCs may implement different versions of standards, which inherently implies that particular services may or may not be available depending on the version, Lamb et al. also suggests different MSC vendors having proprietary features (i.e., reads on services) not included in other vendors' MSC (col. 2, lines 56-58).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent

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granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5, and 8-12 are rejected under 35 U.S.C. 102(e) as being anticipated by *Lamb et al.*, U.S. Patent 6,026,298 ("*Lamb*").

As pertaining to **claim 1**, *Lamb* teaches a method in a cellular telecommunications network of constructing a list of cells comprising at least one cell in which network resources are to be allocated to perform a requested service (see *Lamb*, col. 4, lines 13-46, *Lamb* describes that in his method a list of all the capabilities of the various MSCs is stored), said method comprising the steps of:

determining each particular cell's capability to provide the requested service (see *Lamb*, col. 6 lines 13-46); and

building a cell list comprising only cells that can provide the requested service. See *Lamb*, col. 7 lines 30-48.

As pertaining to **claim 2**, *Lamb* teaches a method in a cellular communications network of allocating network resources to perform a requested service (see *Lamb*, abstract), said method comprising the steps of:

determining each particular cell's capability to provide the requested service prior to allocating network resources in that cell (see *Lamb*, col. 6 lines 13-46, for the remainder of this examination the Examiner asserts that the MSC as described by *Lamb* is capable of revealing the capabilities of on *and* a multiple number of cells); and

allocating network resources only in the cells that can provide the requested service. See *Lamb*, col. 6, line 47-col. 7, line 29.

As pertaining to **claim 3**, *Lamb*'s method also comprises, before the step of allocating network resources, the step of building a cell list comprising only cells that can provide the requested service. See *Lamb*, col. 7, lines 30-48.

As pertaining to **claim 4**, in *Lamb*'s method the network resources are paging resources for paging a mobile station, and the step of determining each particular cell's capability to provide the requested service includes determining the capability of each particular cell in a location area (LA) to provide the requested service. See *Lamb*, col. 7, line 49-col. 8, line 5.

As pertaining to **claim 5**, *Lamb*'s method further comprises paging for the mobile station only in the cells of the LA that can provide the requested service. See *Lamb*, col. 3, lines 46-49.

As pertaining to **claims 8 and 9**, *Lamb* teaches a system for constructing a list of cells comprising at least one cell in which network resources are allocated to perform a requested service and a system for allocating network resources in a cellular telecommunications network to perform a requested service (see *Lamb*, abstract, and col. 7, lines 30-48), said system comprising:

a capabilities database that stores information identifying each particular cell's capability to provide each of a plurality of services (see *Lamb*, col. 4, lines 13-46); and

a processor that compares the requested service to the information stored in the capabilities database for each cell in order to determine each cell's capability to provide the requested service (see *Lamb*, col. 6 lines 13-46); and
a resource controller that builds a cell list comprising only cells that can provide the requested service. See *Lamb*, col. 7, lines 30-48.

As pertaining to **claim 10**, in *Lamb*'s system the network resources are paging resources for paging a mobile station, and the step of determining each particular cell's capability to provide the requested service includes determining the capability of each particular cell in a location area (LA) to provide the requested service. See *Lamb*, col. 7, line 49-col. 8, line 5.

As pertaining to **claim 11**, in *Lamb*'s system the processor compares the requested service to the information stored in the capabilities database for each cell in the LA in order to determine the capability of each cell in the LA to provide the requested service. See *Lamb*, col. 7, line 49-col. 8, line 5.

As pertaining to **claim 12**, *Lamb*'s system further comprises a cell list database that stores cell lists comprised only of cells that can provide the requested service. See *Lamb*, col. 7, lines 30-48.

Allowable Subject Matter

4. Claims 6-7 and 13-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joy Contee whose telephone number is 703-308-0149. The examiner can normally be reached on M-F 5:30 - 2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on 703-305-4379. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.


Joy Contee

February 8, 2004


MARSHA D. BANKS-HAROLD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600